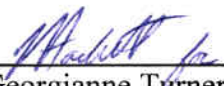


**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF
ACTION REQUEST**

To: Lorraine Van Kekerix, Branch Chief
Waste Evaluation and Enforcement Branch

From: 
Georgianne Turner, Section Manager
Solid Waste Enforcement Section

Prepared By: Debbie Knight, Solid Waste Enforcement Section

Request Date: June 23, 2011

Action By: July 1, 2011

Decision Subject: Consideration of an Extension to the Compliance Schedule Due Date for a Facility Included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), Fairmead Solid Waste Disposal Site (20-AA-0002), Madera County

SUMMARY

On November 17, 2010, the facility was placed on the Inventory for ongoing violations of Title 27 CCR, Section 20921 – Gas Monitoring and Control. In response, the Madera County LEA issued a Notice and Order (N&O) to the operator, with a final compliance date of September 20, 2012. The operator has stated that they will not be able to meet the timeframes outlined in the original N&O due to elevated concentrations of methane being detected in another perimeter landfill gas monitoring well, the need to amend the previously approved remediation plan, and obtain authorization and funding approval from the Board of Supervisors.

A violation was first noted in one of the newly installed gas wells in the May 2010 LEA inspection report. Methane readings above 5% by volume in air were noted in perimeter monitoring well, GMP 9R. RMC Geoscience, Inc., contractor for the facility, submitted a remediation plan which was approved by the LEA and CalRecycle Closure staff in December 2010. In the March 2011 LEA inspection report, methane readings above 5% by volume in air were noted in perimeter monitoring well GMP 8R as well as GMP 9R. Discussions between the operator, LEA and CalRecycle Closure staff prompted the operator to amend the previously approved remediation plan in order to perform the three phases of work in parallel, rather than sequentially, to address compliance in both wells.

OPTIONS

1. Approve the five-month extension for the proposed compliance due date to February 5, 2013.
2. Deny the extension to the compliance due date.

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ANALYSIS AND FINDINGS

Background

The Fairmead Solid Waste Disposal Site is a permitted solid waste disposal site located at 21739 Road 19, Chowchilla, California. The facility is owned by the County of Madera, Engineering and General Service, and operated by Madera Disposal Systems, Inc. On August 2008, the operator submitted a landfill gas plan pursuant to 27 CCR, Section 20921. By July 13, 2009, the landfill gas plan was approved by the LEA and CalRecycle. Twelve new landfill gas wells (GMP-1R, 2R, 3R, 6R-12R, 13, and 14) were installed per the approved landfill gas monitoring plan. These wells were required to bring the facility into compliance with the well spacing, well depth, and landfill gas monitoring requirements stated in 27 CCR, Section 20925.

A violation of 27 CCR, Section 20921 was first noted in the May 2010 LEA inspection report. Methane readings above 5% by volume in air were noted in one perimeter monitoring well, GMP 9R. RMC Geoscience, Inc. submitted a landfill gas remediation plan, dated August 5, 2010 (received by Closure staff on September 14, 2010), which was approved by the LEA and CalRecycle Closure staff on December 6, 2010.

On August 10, 2010, CalRecycle issued a Notice of Intent (NOI) to include the facility on the Inventory in accordance with Public Resources Code (PRC) Section 44104. On November 17, 2010, CalRecycle included the facility on the Inventory since the violation for 27 CCR, Section 20921 was not corrected within 90 days of the owner/operator receiving the NOI. On December 8, 2010, the LEA issued a N&O to the owner outlining a schedule of compliance with a final compliance date of September 20, 2012. Following issuance of the N&O, the facility began to implement the remediation plan to control landfill gas migration in the vicinity of GMP 9R.

In the March 2011 LEA inspection report, methane readings above 5% by volume in air continued to be noted in perimeter monitoring well GMP 9R and the LEA noted that the concentration of methane in GMP 8R also exceeded 5% by volume in air. On March 23, 2011, the LEA received a notification letter from RMC Geoscience, Inc. indicating GMP 8R had exceeded regulatory limits for methane. On April 20, 2011, the LEA received a letter from RMC Geoscience, Inc. requesting an extension to the N&O final compliance date in order to amend the previously approved remediation plan and implement the amended remediation plan. The ongoing violation of 27 CCR, Section 20921 continues to be noted on the LEA's inspection reports.

On June 13, 2011, the LEA concurrently with CalRecycle Closure Section approved the amendment to the landfill gas remediation plan, which now incorporates changes to the gas extraction system to control landfill gas migration at wells GMP 9R and 8R.

FINDINGS

In order for the operator to manage the methane gas issue, which currently includes GMP 9R and GMP 8R, a five-month extension would allow the time for Madera County Board of Supervisors to approve the necessary changes so the operator will be able to complete the remediation phases for both GMP 9R and 8R at the same time. The extension is for five months beyond the original compliance date of September 20, 2010, but is only a three month extension beyond the two years of being included on the Inventory. Based on the factors set forth in 14 CCR 18084, the

**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF
ACTION REQUEST**

owner/operator is making timely progress toward compliance and the LEA is taking appropriate enforcement action. Therefore, it is reasonable to grant the additional time to bring the facility into full compliance and to insure that their improvements to the facility's gas control system will be sufficient to adequately control the facility's gas generation.

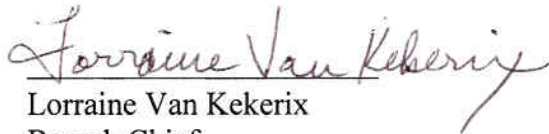
RECOMMENDATION

CalRecycle staff recommends that the facility be granted a five-month extension.

BRANCH CHIEF ACTION

On the basis of the information in this Request for Action, I hereby issue, pursuant to 14 CCR, Section 18365(b), approval of a five-month extension to the owner and operator of the Fairmead Solid Waste Disposal Site (20-AA-0002) to February 5, 2013.

Dated: 6/23/11

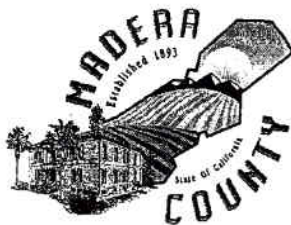


Lorraine Van Kekerix

Branch Chief

Waste Evaluation and Enforcement Branch

Attachment (Request Letter)



RESOURCE MANAGEMENT AGENCY Environmental Health Department

Jill S. Yaeger, Director Environmental Health

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June 13, 2011

Lorraine Van Kekerix, Branch Chief
Department of Resource Recovery and Recycling
Waste Evaluation and Enforcement Branch
Compliance and Enforcement Division
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Sacramento, CA 95812-4025

REQUEST FOR DEADLINE EXTENSION FOR COMPLIANCE WITH THE COUNTY OF MADERA SOLID WASTE LOCAL ENFORCEMENT AGENCY NOTICE AND ORDER FOR FAIRMEAD LANDFILL (20-AA-0002), DATED DECEMBER 8, 2010.

Dear Ms. Van Kekerix:

Pursuant to California Code of Regulations, Title 14, Section 18365, the County of Madera Local Enforcement Agency is requesting approval from Cal Recycle to extend the compliance schedule of Notice and Order for Fairmead Landfill dated December 8, 2010 by an additional six (6) months to February 5, 2013.

Background

The Fairmead Landfill is a permitted solid waste disposal site located at 21739 Road 19, Chowchilla, California. The landfill is owned by the County of Madera, Engineering and General Service, and operated by Madera Disposal Systems Inc.

On August 18, 2008, SES Engineers submitted a landfill gas plan pursuant to 27 CCR, Section 20921. Changes in the State Regulations require all solid waste disposal sites to comply with landfill gas monitoring at the facility site boundary. As is required by State Law this plan was approved by the LEA and Cal Recycle. Regulatory agency approval of this plan was issued by the LEA in a letter dated July 13, 2009. The plan, as submitted included to install 12 new gas monitoring wells (GM-1R, 2R, 3R, 6R through 12R, 13 and 14. These probes were required to bring the landfill into compliance with the well spacing, well depth and LFG monitoring requirements stated in 27 CCR, Section 20937.

Monitoring of these new wells occurred on December 30, 2009 and every other quarter. The monitoring results indicated that one of the wells GMP-9R exceeded regulatory compliance limits of 5% methane by volume in air at the site boundary in all levels of depth.

As required by State Law, RMC Geoscience, Inc. (Fairmead Landfills LFG consultant) notified the LEA by letter on June 1, 2010 that probe (GMP-9R) was in violation of Title 27, CCR, Section 20921. A remediation plan was submitted by RMC Geoscience, Inc. on September 15, 2010. The LEA reviewed the remediation plan concurrently with CalRecycle and concurred with CalRecycle's Closure and Technical Support Section staff's findings and recommendations of the LFG Remediation Plan on December 6, 2010

On August 10, 2010, CalRecycle issued a Notice of Intent to include Fairmead Landfill on the Inventory of Solid Waste Facilities which Violates State Minimum Standards in accordance with Public Resources Code (PRC) 44104. As stated in the Notice, if the violation is documented as corrected within 90 days of receiving the notice, the facility will not be included on the Inventory. Subsequently, on November 17, 2010 CalRecycle issued an Inclusion of Fairmead Landfill on the Inventory of Solid Waste Facilities which Violate State Minimum Standards. On December 8, 2011 the LEA issued a Notice and Order (N&O) to the Fairmead Landfill owners/operators outlining a schedule of compliance.

The LEA was performing monthly testing on LFG probes on the south boundary of the landfill and a detection of more than 5% methane by volume was detected on GMP-8R during the March 2011 monthly inspection. The LEA contacted the owner and operator to inform them of the new detection of more than 5% methane by volume on GMP-8R. The owner Madera County Department of Engineering General Service Solid Waste Division contacted the LFG consultants RMC Geoscience to confirm the LEA findings. Results were as follows:

March 7, 2011

GMP-8	S	11.6%	I	3.7%	D	0%
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On March 23, 2011 the LEA received a notification letter from RMC Geoscience indicating detection of methane concentration exceeding regulatory limits. The operator had not achieved full compliance with existing Notice and Order compliance scheduled due to the additional LFG probe (GMP-8R) detection of methane >5%. On April 20, 2011 the LEA received a letter requesting an extension to the N&O schedule of compliance. On May 6, 2011 RMC Geoscience on behalf of Madera County and Fairmead Landfill submitted a second amendment of the approved LFG remediation work plan (August 5, 2010) for review and approval.

On June 13, 2011 Madera County LEA concurrently with CalRecycle approves Second Amendment to August 5, 2010 Investigation and Remediation Plan dated May 6, 2011 and CalRecycle Comments on the Amended Remediation Plan dated June 13, 2011.

Extension of the Compliance Deadline

The LEA proposes to grant Fairmead Landfill a six (6) month extension of the final compliance deadline to Fairmead Landfill Notice and Order dated December 8, 2010. This would allow Fairmead Landfill additional time to make adjustments to the landfill gas extraction system to incorporate LFG, GMP-8R into the pre existing approved LFG remediation plan. Pursuant to California Code of Regulations, Title 14, Section 18365 ("Compliance Schedule"), the LEA request approval by the Executive Director to grant this additional extension.

As a condition of approval for a six (6) month extension, the LEA will direct the operator to:

- Submit to the County of Madera Solid Waste Local Enforcement Agency by the 25th of each month, monthly monitoring results of the previous 30 days for perimeter monitoring wells which exceeds 5% methane and to include efforts made by the operator to achieve compliance with the aforementioned violation.
- Maintain compliance with the approved Second Amendment LFG Remediation Work Plan dated May 6, 2011 and June 13, 2011.
- If compliance schedule timeline cannot be met, the owner and/or operator must request an extension by submitting a request in writing to the LEA, prior to the deadline.

The LEA looks forward to your decision and will provide you additional information as necessary to complete a formal review.

If you have any questions, you may contact Dexter Marr or Phil Hudecek at (559) 675-7823.

Sincerely,



Dexter Marr, Senior R.E.H.S
Madera County Local Enforcement Agency

Enclosure: Fairmead Landfill Notice and Order dated December 8, 2010.

cc: via-email

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